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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/937,439	09/25/1997	MANABU FUKUSHIMA	500.30789R00	1798

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EXAMINER

PAPPAS, PETER

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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08/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 08/937,439	Applicant(s) FUKUSHIMA ET AL.	
	Examiner PETER-ANTHONY PAPPAS	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 12-18 and 20 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 1997 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner attempted to reach the Applicant multiple times to discuss the instant application. However the Applicant could not be reached directly. The Examiner was able to reach Stacy Keaton and Ms. Keaton indicated that requested material would be provided to the Examiner but said material was never received.
2. It is noted that claims 15-21 are considered statutory because the specification discloses that displaying is performed by a device – a computer (Figs. 1, 2).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Duret et al. (4, 742, 464).
5. In regard to claim 19 it is noted that the respective claim language discloses open-ended language (e.g., “comprising”) and as such said claim is not considered to be limited to only the respective limitations disclosed.

Duret et al. teaches an image display method (col. 1, ll. 17-19; col. 4, ll. 19-21; Figs. 8-17) comprising the steps of: displaying on a display screen (e.g., CRT 106 – Fig. 7), a respective predetermined 3D shape and icon (e.g., Fig. 8; “...utilizing a computer programmed for computer assisted design of three-dimensional objects to which the optical impression input is fed...” – col. 2 and 3, ll. 61-68 and 1-3, respectively) to

represent images (e.g., the four views of Fig. 9) belonging to a same predetermined group (e.g., teeth) of a drawing to be displayed ("After the image has been processed, it is subjected to computer-aided design in a computer 109 ... The output of computer 109 is displayed on a suitable screen 110, the image on which may be modified by operation of a modification unit 111." – col. 6, ll. 25-36), such that an accumulated data amount of said images belonging to the same predetermined group is represented by an accumulated length in a predetermined 1D direction of said 3D shape ("To the extent that the implantation site and the adjacent areas of the prosthesis necessitate views from different angles, the computer will reconstitute the overall shape of the site by combining such views as is illustrated in FIG. 8." – col. 7, ll. 24-28). It is implicitly taught that said modification occurs after one of said display steps (e.g., there must be something present to modify) and it is implicitly taught that said modification is represented, at least visually, via a respective display step (e.g., something to be displayed).

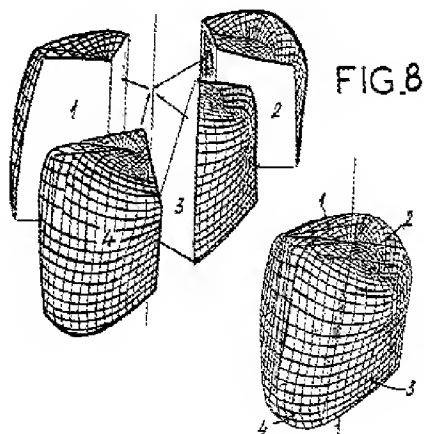


Fig. 8 – combination of a plurality of views.

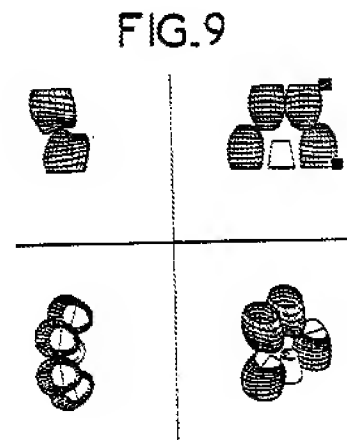


Fig. 9 – plurality of views.

It is noted that a 3D object is considered to comprise three 1D directions (e.g., X, Y, Z). It is noted that the respective claim language fails to disclose that said accumulated data amount of said images belonging to the same predetermined group is represented by an accumulated length in only a predetermined one-dimensional direction. It is further noted that a respective “three-dimensional shape and icon” is considered to read on a singular object wherein said object is considered to comprise two properties – that of a 3D shape and that of an icon.

Allowable Subject Matter

6. Claims 1-10, 12-18 and 20-26 are allowed.
7. In regard to claims 1-10, 12-14 and 26 the cited prior art fails to teach or suggest the respective claim limitations when considered as a whole. Goldwasser et al. teaches a real-time 3D display device that includes a plurality of individual processing elements each having an image memory for storing a mini-image of a portion of the object as viewed from any given direction and a merge control means for generating a combined image of the object including the depth thereof by selection on a pixel-by-pixel basis from each of the mini-images. In two different embodiments, priority codes are assigned to each of the processing elements reflecting the relative significance of a given pixel of the mini-image produced by a given processing element as compared to the pixels of mini-images produced by other processing elements. In one embodiment, the combined image is generated in accordance with the priority codes (Abstract). However, Goldwasser et al. fails to explicitly teach: a plurality of display time priority levels each having a different display time which is shorter than said total display time;

display of each of said sub-drawings (e.g., mini-image) / divided facility drawings can be accomplished within a different said different display time.

8. In regard to claims 15-18 and 20-25 the cited prior art fails to teach or suggest the respective claim limitations when considered as a whole.

Response to Arguments

9. The prior Notice of Non-Compliant Amendment is withdrawn in light of Applicant's remarks and after further consideration. Claim 11 is considered cancelled and claims 1-10 and 12-26 are considered pending.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER-ANTHONY PAPPAS whose telephone number is 571-272-7646. The examiner can normally be reached on M-F 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ulka Chauhan/
Supervisory Patent Examiner, Art Unit 2628

Peter-Anthony Pappas
Examiner
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